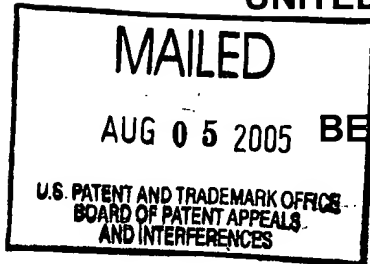


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JAMIN PANDANA

Appeal No. 2005-2085
Application No. 09/458,858

ON BRIEF

Before HAIRSTON, LEVY, and BLANKENSHIP, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 13.

The disclosed invention relates to an input device for a computer system that comprises a keyboard, a pointing device and a function controller that provides output signals in accordance with a Universal Serial Bus (USB) technique. The keyboard and the pointing device share the function controller.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An input device for a computer system, comprising:

a keyboard having a function controller for providing output signals for use in said computer system in accordance with a Universal Serial Bus technique; and

a pointing device coupled to said function controller, said keyboard and said pointing device sharing said function controller.

The references relied on by the examiner are:

Brendzel et al. (Brendzel)	5,706,031	Jan. 6, 1998
Duncan et al. (Duncan)	5,847,695	Dec. 8, 1998
Poisner	5,943,506	Aug. 24, 1999

Claims 1, 2 and 6 through 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poisner.

Claims 3 through 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poisner in view of Brendzel.

Claims 1, 2 and 6 through 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poisner in view of Duncan.

Claims 3 through 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poisner in view of Duncan and Brendzel.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the obviousness rejections of claims 1 through 11, and reverse the obviousness rejections of claims 12 and 13.

Poisner discloses a function controller 32 that provides an output signal in accordance with a USB technique. The function controller is shared by both the keyboard 34 and the pointing device 36. Poisner is silent as to the location of the function controller.

The appellant is of the opinion (brief, page 4) that claims 1, 7 and 12 on appeal require the function controller to be located within the keyboard. Although claim 12 expressly states that the function controller is located in the keyboard, claims 1 and 7 are completely silent as to such a location of the function controller. Claim 1 merely states that the keyboard has a function controller that it shares with the pointing device. When claim 1 is given its broadest reasonable interpretation, we find that the function controller could be located anywhere in the claimed input device as long as it is shared by the keyboard and the pointing device. We additionally find that the doctrine of claim differentiation requires us to conclude that the function controller is not in the keyboard since claim 12 is directed to such a feature. See Phillips v. AWH Corp., Nos. 03-1269, -1286, slip op. at 13 (Fed. Cir. July 12, 2005). Thus, the obviousness rejection of claims 1 and 7 is sustained, and the obviousness rejection of claims 12 and 13 is reversed because

Poisner neither teaches nor would have suggested to the skilled artisan that the function controller be located in the keyboard.

The obviousness rejection of claims 2, 8, 9 and 11 is sustained because appellant has chosen (brief, page 4) to let these claims stand or fall with claims 1 and 7.

The obviousness rejection of claims 6 and 10 is sustained because the pointing device in Poisner is dumb.

The obviousness rejection of claims 3 through 5 based upon the teachings of Poisner and Brendzel is sustained because we agree with the examiner's position (answer, page 5) that the skilled artisan would have found it obvious to use either wired or wireless communication of the pointing device to the computer based upon Brendzel's teaching (column 2, lines 54 through 62) that either technique can be used to connect the pointing device to the computer.

Turning to the obviousness rejection of claims 1, 2 and 6 through 13 based upon the combined teachings of Poisner and Duncan, we reach the same results as indicated supra in the rejection of claims 1, 2 and 6 through 13 based upon the teachings of Poisner considered alone because the examiner has mistakenly assumed that Duncan discloses a USB keyboard controller (answer, page 5). Duncan merely states (column 4, lines 19 through 30) that the serial interface 24 can be a USB interface. A USB interface is not a USB function controller.

Turning lastly to the obviousness rejection of claims 3 through 5 based upon the teachings of Poisner, Duncan and Brendzel, we hereby reach the same conclusion reached supra in the rejection of claims 3 through 5 based upon the teachings of Poisner and Brendzel considered together because the teachings of Duncan are not needed to demonstrate the obviousness of claims 3 through 5.

DECISION

The decision of the examiner rejecting claims 1 through 13 under 35 U.S.C. § 103(a) is affirmed as to claims 1 through 11, and is reversed as to claims 12 and 13.

AFFIRMED-IN-PART

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